

REMARKS

In accordance with foregoing, claim 1 has been amended. The changes to claim 1 are supported by table 1, example 2 of the application, for example. Claims 1-11 are pending and under consideration.

In response to the restriction requirement, applicants provisionally elect Group I, claims 1-4, with traverse. Since claims 5 and 6-11 depend on independent claim 1 and include all limitations of independent claim 1, it is submitted that claims 5-11 should be considered together with claims 1-4.

As a basis for the restriction requirement, the Examiner asserts claims 1-11 lack the same "special technical feature." The Examiner asserts that the claimed porous cellulose aggregates are known in art, as evidenced by JP 9-150057, JP 63-090501 and JP 1-272643. Applicants submit that the claims, as amended, patentably distinguish over these three references.

1. JP 9-150057 ("reference 1")

As described in paragraphs [0008] – [0011] of reference 1, a porous cellulose structure was obtained by regenerating a viscose solution. The Examiner is referred to "Cellulose Science" published by Asakura Syoten (2003). "Cellulose Science" is being submitted with an Information Disclosure Statement being filed herewith. The Examiner has failed to indicate that any of the references cited in the previous Information Disclosure Statements have been considered. Accordingly, these references are also cited in the enclosed Information Disclosure Statement. The Examiner is requested to initial next to each citation, sign the Forms PTO-1449 and return copies of same to the undersigned.

On page 74, lines 19-20, the "Cellulose Science" reference describes that "regenerated cellulose has a cellulose type-II crystal form." In addition, pages 75 and 76 of the "Cellulose Science" reference describe that regenerated cellulose is obtained from a viscous solution. Furthermore, page 21, table 2.1.6 of Comprehensive Cellulose Chemistry Volume 1, Wiley-VCH (1998) shows that allomorphs of viscose rayon and viscose staple have a type-II structure. On the other hand, the claims recite a porous cellulose aggregate containing type-I crystals. The Examiner is referred to paragraph [0021] of the application for antecedent basis. Accordingly, the claimed cellulose aggregate has a different crystal form from that of reference 1.

2. JP 63-090501 ("reference 2")

With regard to reference 2, claim 1 of this reference clearly indicates that the porous fine particles described therein are formed essentially of type-II cellulose. To the contrary, as described above, the claims clearly recite that the porous cellulose aggregate contains type-I crystals. Therefore, both reference 1 and reference 2 has a different crystalline form.

3. JP 1-272643 ("reference 3")

The Examiner is referred to paragraph [0004] of the present application where reference 3 is described. Paragraph [0004] provides as follows (with emphasis added):

[Reference 3] describes porous fine cellulose particles having crystal form I, a porous structure with a specific surface area of $20 \text{ m}^2/\text{g}$ or more and a pore volume by pores having a diameter not less than $0.01 \text{ }\mu\text{m}$ of $0.3 \text{ cm}^3/\text{g}$ or more and an average particle size of at most $100 \text{ }\mu\text{m}$ (corresponding to Comparative Example 7 of the present application) obtained by granulating and drying particulate natural cellulose dispersed in an organic solvent by spray-drying method. These fine cellulose particles also have the above-mentioned cellulose wall structure.

In referring to "the above-mentioned cellulose wall structure," the present application refers to a film-like dense and strong cellulose wall structure formed of primary cellulose particles compacted so uniformly and continuously that the borders of the particles are indistinct.

Paragraph [0004] of the present application continues by describing that the cellulose particles of reference 3:

are totally different from porous cellulose aggregate of the present invention in the particle structure. Furthermore, although the pore volume of the cellulose particle of [reference 3] is large in itself, water is hard to permeate into the particle because the particle structure is different from the porous cellulose aggregate of the present invention, and therefore it has a problem of poor disintegration property. In addition, this porous cellulose aggregate particle uses an organic solvent in the production process, which not only increases production cost but also results in too large specific surface area and may promote mutual action between the active ingredient and water and deactivate the active ingredient and therefore it was not sufficient to be stably used as an excipient.

Since independent claim 1 has been amended to recite a specific surface area of $1.3\text{--}12.5 \text{ m}^2/\text{g}$, there is a clear difference between the present invention and reference 3 in terms of the specific surface area. Furthermore, the cellulose particles of reference 3 have a dense and strong cellulose wall structure with indistinct borders. This structure is shown in Fig. 4 of the present application. On the other hand, the present invention is directed to a secondary aggregate structure formed by aggregation of primary cellulose particles. For this structure, a distinct boundary between the primary particles may be seen, as shown in Fig. 6 of the present

application. Accordingly, the present invention is also different from reference 3 in terms of the particle structure.

The Examiner bases the restriction requirement on an assertion that the claims of the three groups do not have a same special technical feature because the porous cellulose aggregates are known in the art. In view of the foregoing, it should be clear that the claimed porous cellulose aggregates are not known in the art. Accordingly, Groups I-III should be considered together. Moreover, because the references do not suggest the claimed porous cellulose aggregate, it is submitted the claims are in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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